

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olga Bentin	Team: Squad #4	CCRB Case #: 201900047	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/02/2019 11:00 PM	Location of Incident: 18th Precinct stationhouse	Precinct: 18	18 Mo. SOL 7/2/2020	EO SOL 2/16/2021	
Date/Time CV Reported Thu, 01/03/2019 10:32 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 01/03/2019 10:32 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Matthew Yasinsky	21539	927694	MTN PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM James Smith	26657	933364	MTN PCT
2. LT Joseph Hoehl	00000	926963	MTN PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Matthew Yasinsky	Off. Language: Police Officer Matthew Yasinsky made remarks to § 87(2)(b) based upon physical disability.	

Case Summary

On January 3, 2019, § 87(2)(b) contacted the CCRB by phone and filed this complaint.

On January 2, 2019, at approximately 11 p.m., § 87(2)(b) arrived at the Midtown North Precinct stationhouse in Manhattan to follow up on a criminal complaint report for an unrelated incident. After § 87(2)(b) settled the matter, he exited the stationhouse and saw two officers, identified by the investigation as PO James Smith and PO Matthew Yasinsky, both from the Midtown North Precinct, standing by the main entrance. When PO Yasinsky saw § 87(2)(b) he said to him, “Oh. You again? Stay away from me. You are crazy” (**Allegation A: Offensive Language**, § 87(2)(g) § 87(2)(b) did not respond to PO Yasinsky.

As a result of this incident, § 87(2)(b) was not arrested or issued any summons.

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Matthew Yasinsky made remarks to § 87(2)(b) based upon physical disability.

§ 87(2)(g) § 87(2)(b) (BR 01) stated that he went to the stationhouse and spoke with Det. Terrence Williams, of the Midtown North Detective Squad, regarding a criminal complaint report. Det. Williams told § 87(2)(b) that he was going to speak to the detective assigned to his case and asked to contact him next week. § 87(2)(b) agreed.

When § 87(2)(b) exited the stationhouse, he saw PO Smith and PO Yasinsky standing by the main entrance of the stationhouse along with a male, identified by the investigation as § 87(2)(b). § 87(2)(b) recognized PO Smith, because he interacted with him at the stationhouse on December 15, 2018. When PO Yasinsky saw § 87(2)(b) he said to him, “Oh. You again? Stay away from me. You are crazy.” § 87(2)(b) did not respond to PO Yasinsky, but returned to the stationhouse and spoke to Lt. Hoehl, who was at the front desk, and informed that PO Yasinsky called him “crazy.”

Lt. Hoehl and § 87(2)(b) then exited the stationhouse and walked over to PO Yasinsky and PO Smith. Lt. Hoehl asked PO Yasinsky and PO Smith to explain to him what happened. § 87(2)(b) was no longer at the scene. PO Yasinsky told Lt. Hoehl that § 87(2)(b) called § 87(2)(b) “crazy,” and that he only asked § 87(2)(b) what he was doing at the stationhouse. § 87(2)(b) denied that and said that PO Yasinsky was lying. He then asked PO Yasinsky for his name, which he wrote down on Det. Williams’ business card (BR 02).

§ 87(2)(b) did not record this incident. The request for BWC returned negative results. There is no other known source of video evidence.

PO Yasinsky (BR 03) stated that he and PO Smith were dealing with § 87(2)(b) front of the stationhouse. While speaking with § 87(2)(b) PO Yasinsky saw § 87(2)(b) pass by him and enter the stationhouse. PO Yasinsky denied engaging in conversation with § 87(2)(b) at that time. He did not remember if § 87(2)(b) said anything to § 87(2)(b) but noted that § 87(2)(b) was very loud and cursed while speaking to the officers. PO Yasinsky recognized § 87(2)(b) because he is frequently visits the stationhouse.

Several minutes later, § 87(2)(b) and Lt. Hoehl exited the stationhouse and approached PO Yasinsky. § 87(2)(b) asked PO Yasinsky for his name and shield number, which he wrote down on the business card of another officer. § 87(2)(b) appeared upset, but PO Yasinsky did not know why. PO Yasinsky did not know why § 87(2)(b) approached him or asked for his

information. PO Yasinsky denied saying to § 87(2)(b) “Oh. You again? Stay away from me. You are crazy,” or making any offensive remarks regarding physical disability.

PO Smith (BR 04) provided a generally consistent account with that of PO Yasinsky, with the following additional information. PO Smith corroborated § 87(2)(b)'s account that he interacted with § 87(2)(b) on December 15, 2018 and on several other occasions. When PO Smith initially observed § 87(2)(b) he did not hear PO Yasinsky engage in conversation with him, and denied doing so himself. When § 87(2)(b) and Lt. Hoehl approached PO Smith and PO Yasinsky, Lt. Hoehl stated that § 87(2)(b) alleged they cursed at him, which PO Smith denied. § 87(2)(b) then asked PO Yasinsky and PO Smith to provide him with their information, which they did. PO Smith denied hearing PO Yasinsky calling § 87(2)(b) “crazy,” or making any offensive remarks towards him.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints and has been named a victim in three allegations (BR 05):
 - § 87(2)(b)
 -
- PO Matthew Yasinsky has been a member-of-service for 18 years and has been a subject in two CCRB complaint and three allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- A FOIL request was sent to the NYC Comptroller’s Office on January 29, 2019, for any Notice of Claim filed in regard to this incident. The results of the request will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 4

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____